

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MICHAEL BIES,

Petitioner,

vs.

MARGARET BAGLEY, Warden,

Respondent.

Case Number: C-1-00-682

District Judge Susan J. Dlott

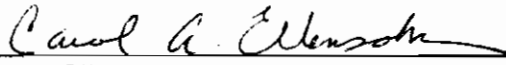
Chief Magistrate Judge Michael Merz

RESPONDENT'S NOTICE OF APPEAL

Respondent Warden Margaret Bagley respectfully provides this honorable court with notice of appeal to the United States Court of Appeals for the Sixth Circuit from the Order of this Court, filed March 1, 2006, granting Petitioner Michael Bies a writ of habeas corpus requiring the State of Ohio to vacate Petitioner's sentence of death and re-sentence him in accordance with Ohio law.

Respectfully submitted,

JIM PETRO
Ohio Attorney General


CAROL A. ELLEN SOHN (0074598)
CHARLES L. WILLE (0056444)
Assistant Attorneys General
Capital Crimes Section
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215-3428
(614) 728-7055; Fax: (614) 728-8600

COUNSEL FOR RESPONDENT

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing, *Respondent's Notice of Appeal*, was sent via regular U.S. mail to Counsel for Petitioner: S. Scott Haynes, Hallowes, Allen and Haynes, 6445 East Livingston Avenue, Reynoldsburg, Ohio, 43068 and Randall Porter, Ohio Public Defender's Office, 8 East Long Street, Columbus, Ohio 43215, on this **21st** day of **March, 2006**.



CAROL A. ELLENSOHN (0074598)
Assistant Attorney General